

June 9, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

**Re: *Ex Parte* Presentation
WT Dockets 02-55**

Dear Ms. Dortch:

As CTIA has stated repeatedly in this proceeding, our goal is to address the interference concerns of Public Safety. With that in mind, on April 29, 2004, CTIA offered a compromise solution that provided significant additional benefits to Public Safety over the “Consensus Plan.” It proposed an almost four-factor increase in funding for Public Safety relocation. It provided additional certainty to ensure that costs truly were covered, and it provided incentives for completing full, nationwide relocation in a timely manner. These proposals all addressed specific concerns in the record and advanced the proceeding toward an equitable, sustainable solution.

Nextel’s recent offer of an additional 2 MHz of spectrum for Public Safety does not address any specific concerns raised by Public Safety.¹ It does, however, raise some additional questions:

- Nextel modifies its proposal to add 2 MHz of spectrum in the 800 MHz band for Public Safety use, but seems to be simultaneously rescinding its prior offer of 4 MHz in the 900 MHz band. Is that the result, and what is the net benefit?
- How will “interoperability” be enhanced, as suggested by Nextel, when no funds are provided in the “Consensus Plan” for necessary equipment upgrades?
- Nextel states that this proposal will “increas[e] the frequency separation between the cellular and non-cellular blocks.” Based on CTIA’s reading of the *ex parte*, Nextel is proposing to surrender the 816-817 MHz and the 861-862 MHz bands, which are immediately adjacent to Nextel’s spectrum. If our interpretation is correct, wouldn’t this new spectrum be subject to the same type of interference that this proceeding is attempting to minimize?
- Nextel is seeking to offset the money it will expend to address interference in the 800 MHz band. Will each Cellular operator in the band be able to request such offsets from the Commission based on the money spent to mitigate interference?

¹ See Nextel letter to Marlene Dortch, Secretary, Federal Communications Commission, WT Docket 02-55, June 4, 2004.

- Nextel is seeking to offset the “relocation of all BAS licenses.” Is it necessary to relocate all BAS licenses for this proceeding? Further, Nextel likely can expect cost-sharing compensation from other future licensees of the existing BAS band.
- According to Nextel, 4.5 MHz of non-contiguous, non-nationwide 800 MHz spectrum that is proposes to give up is worth approximately \$2.6 billion, while 10 MHz of contiguous, nationwide 1.9 GHz spectrum is only worth \$3.5 billion. How can this be?
- Nextel has stated that it needs the 1.9 GHz spectrum it seeks as part of the “Consensus Plan” immediately “so it can begin taking the numerous steps necessary to make this spectrum useable and ensure that the realignment process does not unduly disrupt service to its customers.”² If the relocation situation if constrained to the point that it could impact service to its customers, how can Nextel afford to give up an additional 2 MHz of spectrum in the 800 MHz band?
- Nextel has not addressed the many benefits that were stated in the CTIA Compromise Plan. In particular, Nextel has failed to address the many concerns voiced in the record about the insufficiency of funding for rebanding of Public Safety. These costs are likely to be closer to \$3 billion than the \$850 million offered by Nextel. Shouldn’t Nextel be required to pay for all rebanding necessitated by adoption of its “Consensus Plan”?

CTIA believes that the Commission needs to adopt a solution that is more beneficial to Public Safety, while being legally and operationally sustainable. CTIA offered such a plan on April 29. We urge the Commission to expeditiously move forward.

Sincerely,

Brian Kidney

Brian Kidney
Chief Operating Officer
CTIA – The Wireless Association™

cc:	Chairman Michael Powell	Sam Feder
	Commissioner Kathleen Abernathy	Barry Ohlson
	Commissioner Michael Copps	John Muleta
	Commissioner Kevin Martin	John Rogovin
	Commissioner Jonathan Adelstein	Ed Thomas
	Bryan Tramont	
	Sheryl Wilkerson	
	Jennifer Manner	
	Paul Margie	

² See Nextel letter to Marlene Dortch, Secretary, Federal Communications Commission, WT Docket 02-55, May 14, 2004.